

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Richard E. Schafer
Telephone: (571) 272-9797
Facsimile: (571) 273-0042

MAILED

SEP 15 2006

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: Kay et al.
Application No.: 09/807,167
Filed: 11/06/02
For: Floor Covering Material and Method
for producing Same

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,473.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Richard E. Schafer
RICHARD E. SCHAFFER
Administrative Patent Judge

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed: September 15, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

POLYFLOR LIMITED,
Junior Party
(Application 09/807,167,
Inventors: John Granville **Kay**,
Michael Geoffrey Minett, Grenville Seager,
Adrian Lance Entwistle, Craig Lee Crosby),

MAILED

v.

SEP 15 2006

ALTRO LIMITED,
Senior Party
(Patent 6,579,610,
Inventors: Adrian John **Shortland**,
Karen Alexandra Masters).

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Patent Interference No. 105,473 (RES)
(Technology Center 1700)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. '41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

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2 **Part B. Judge managing the interference**

3 Administrative Patent Judge Richard E. Schafer has been designated to manage the
4 interference. 37 CFR § 41.104(a).

5 **Part C. Standing order**

6 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
7 DECLARATION. The STANDING ORDER applies to this interference.

8 **Part D. Initial conference call**

9 A telephone conference call to discuss the interference is set for **3:00 p.m. on November**
10 **13, 2006** (the Board will initiate the call).

11 No later than **two business days** prior to the conference call, each party shall file and
12 serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR §§ 41.120 & 41.204; SO ¶¶ 104.2.1, 120
13 & 204) the party intends to file.

14 A time periods for taking action during the motion phase are set in an order
15 accompanying this declaration. Paper 3.

16 **Part E. Identification and order of the parties**

17 Junior Party

18 Named inventors: John Granville **Kay**
19 Michael Geoffrey Minett
20 Grenville Seager
21 Adrian Lance Entwistle
22 Craig Lee Crosby

23
24 Involved Application: 09/807,167, filed November 6, 2002

25
26 Title: Floor Covering Material and Method for Producing Same

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28 Assignee: POLYFLOR LIMITED

Senior Party

Named Inventors: Adrian John **Shortland**
Karen Alexandra Masters

Involved Patent: 6,579,610, granted June 17, 2003
based on Application 09/830,041, filed June 1, 2001

Title: Non Stain Flooring

Assignee: ALTRO LIMITED

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 26 of Application 09/807,167 or Claim 31 of Patent 6,579,610.

The claims of the parties are:

Polyflor: 26-34

Altro: 1-56

The claims of the parties which correspond to Count 1 are:

Polyflor: 26-34

Altro: 1-16 and 31-39

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Polyflor: None

Altro: 17-30 and 40-56

The parties are accorded the following benefit for Count 1:

Polyflor: PCT/GB99/03169 10/11/1999

Altro: PCT/GB00/00056 01/11/2000

UK 9900577.9 01/13/1999

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference, see SO ¶
3 106.1.1:

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6
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8 AND INTERFERENCES
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11 POLYFLOR LIMITED,
12 Junior Party
13 (Application 09/807,167,
14 Inventors: John Granville **Kay**, Michael Geoffrey Minett,
15 Grenville Seager, Adrian Lance Entwistle & Craig Lee Crosby),
16

17 v.

18
19 ALTRO LIMITED,
20 Senior Party
21 (Patent 6,579,610,
22 Inventors: Adrian John **Shortland** & Karen Alexandra Masters).
23

24
25 Patent Interference No. 105,473 (RES)
26 (Technology Center 1700)
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28 **Part H. Order form for requesting file copies**

29 When requesting copies of files, use of SO Form 4 will greatly expedite processing of the
30 request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle
31 around the patents and applications for which a copy of a file wrapper is requested.

32
33 /Richard E. Schafer/
34 RICHARD E. SCHAFER
35 Administrative Patent Judge
36

37 Enc: Copy of STANDING ORDER
38 Copy U.S. Patent 6,579,610
39 Copy of claims of Application 09/807,167
40

41 Revised 3 January 2006

1 cc (via overnight delivery):

2
3 Attorney for Polyflor:

4
5 WILMER CUTLER PICKERING HALE AND DORR LLP
6 60 STATE STREET
7 BOSTON MA 02109

8
9 Attorney for Altro:

10
11 BAKER & BOTTS
12 30 ROCKEFELLER PLAZA
13 44TH FLOOR
14 NEW YORK NY 10112